



Docket No.: M0025.0339/P339
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Bryan E. Cole et al.

Application No.: 10/550,183

Confirmation No.: 5251

Filed: September 21, 2005

Art Unit: N/A

For: SPECTROSCOPY APPARATUS AND
ASSOCIATED TECHNIQUE

Examiner: Not Yet Assigned

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS OF
APPLICATION**

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Missing Requirements of Application –
Filing Date Granted mailed May 10, 2006, Applicant respectfully submits a Combined
Declaration and Power of Attorney, Copy of Notice, and an Assignment for recording.

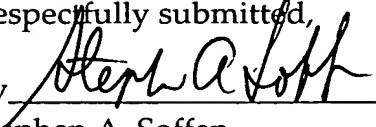
Please charge our Credit Card in the amount of \$105.00 covering the fees set
forth in 37 CFR 1.16(f) and 1.21(h). Credit Card Payment Form SB-2038, with a
signature from an authorized cardholder, is enclosed. The Director is hereby
authorized to charge any deficiency in the fees filed, asserted to be filed or which
should have been filed herewith (or with any paper hereafter filed in this application by

this firm) to our Deposit Account No. 04-1073, under Order No. M0025.0339/P339. A duplicate copy of this paper is enclosed.

Dated: June 6, 2006

Respectfully submitted,

By


Stephen A. Soffen

Registration No.: 31,063
DICKSTEIN SHAPIRO LLP
2101 L Street NW
Washington, DC 20037-1526
(202) 785-9700
Attorney for Applicant



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

| | | |
|-------------------------------|--|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/550,183 | Bryan Edward Cole <i>RECEIVED FEBRUARY 15 2006 RECEIVED MAY 15 2006 SAS EKW 5/17/06</i> | M0025.0339/P339 |
| INTERNATIONAL APPLICATION NO. | | PCT/GB04/01194 |
| I.A. FILING DATE | | PRIORITY DATE |
| 03/19/2004 | | 03/21/2003 |
| CONFIRMATION NO. 5251 | | |
| 371 FORMALITIES LETTER | | |
| *OC000000018738922* | | |

Date Mailed: 05/10/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/21/2005
- Copy of the International Search Report filed on 09/21/2005
- Preliminary Amendments filed on 09/21/2005
- Information Disclosure Statements filed on 09/21/2005
- Request for Immediate Examination filed on 09/21/2005
- U.S. Basic National Fees filed on 09/21/2005
- Priority Documents filed on 09/21/2005

MAY 19 AM 11:44

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/550,183 | PCT/GB04/01194 | M0025.0339/P339 |

FORM PCT/DO/EO/905 (371 Formalities Notice)



IAP15 Rec'd PCT/PTO 06 JUN 2006

PTO/SB/17 (01-06)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2006

Applicant claims small entity status. See 37 CFR 1.27

| | | |
|--------------------------------|------|--------|
| TOTAL AMOUNT OF PAYMENT | (\$) | 105.00 |
|--------------------------------|------|--------|

Complete if Known

| | |
|----------------------|------------------------|
| Application Number | 10/550,183-Conf. #5251 |
| Filing Date | September 21, 2005 |
| First Named Inventor | Bryan E. Cole |
| Examiner Name | Not Yet Assigned |
| Art Unit | N/A |

| | | | | |
|--------------------------------|------|--------|---------------------|-----------------|
| TOTAL AMOUNT OF PAYMENT | (\$) | 105.00 | Attorney Docket No. | M0025.0339/P339 |
|--------------------------------|------|--------|---------------------|-----------------|

METHOD OF PAYMENT (check all that apply)

| | | | | |
|---|---|--------------------------------------|-------------------------------|---|
| <input type="checkbox"/> Check | <input checked="" type="checkbox"/> Credit Card | <input type="checkbox"/> Money Order | <input type="checkbox"/> None | <input type="checkbox"/> Other (please identify): _____ |
| <input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 04-1073 | | | | Deposit Account Name: Dickstein Shapiro LLP |

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

| | |
|---|---|
| <input checked="" type="checkbox"/> Charge fee(s) indicated below | <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee |
| <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 | <input checked="" type="checkbox"/> Credit any overpayments |

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | |
|------------------|-------------|--------------|-------------|--------------|------------------|--------------|----------------|
| | Fee (\$) | Small Entity | Fee (\$) | Small Entity | Fee (\$) | Small Entity | Fees Paid (\$) |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | _____ |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | _____ |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | _____ |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | _____ |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | _____ |

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

| | | |
|---------------------|-----------------|-----------------|
| <u>Small Entity</u> | <u>Fee (\$)</u> | <u>Fee (\$)</u> |
|---------------------|-----------------|-----------------|

50 25

Each independent claim over 3 (including Reissues)

200 100

Multiple dependent claims

360 180

| | | | |
|---------------------|---------------------|-----------------|----------------------|
| <u>Total Claims</u> | <u>Extra Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
| - = | x | = | _____ |

HP = highest number of total claims paid for, if greater than 20.

| | |
|----------------------------------|----------------------|
| <u>Multiple Dependent Claims</u> | |
| <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |

| | | | |
|----------------------|---------------------|-----------------|----------------------|
| <u>Indep. Claims</u> | <u>Extra Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
| - = | x | = | _____ |

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| | | | | |
|---------------------|---------------------|---|-----------------|----------------------|
| <u>Total Sheets</u> | <u>Extra Sheets</u> | <u>Number of each additional 50 or fraction thereof</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
| - 100 = | /50 | (round up to a whole number) x | = | _____ |

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

| | |
|--|-------|
| Other (e.g., late filing surcharge): 2051 Surcharge-Late oath or declaration | 65.00 |
| 8021 Recording each patent assignment, agreement or ... | 40.00 |

SUBMITTED BY

| | | | | | |
|-------------------|-------------------|--------------------------------------|--------|-----------|----------------|
| Signature | | Registration No. (Attorney/Agent) | 31,063 | Telephone | (202) 828-4879 |
| Name (Print/Type) | Stephen A. Soffen | | | Date | June 6, 2006 |

06/09/2006 LLANDGRA 00000069 10550183

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65.00 0P



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

| | | | |
|--|--|------------------------|------------------------|
| | | Application Number | 10/550,183-Conf. #5251 |
| | | Filing Date | September 21, 2005 |
| | | First Named Inventor | Bryan E. Cole |
| | | Art Unit | N/A |
| | | Examiner Name | Not Yet Assigned |
| Total Number of Pages in This Submission | | Attorney Docket Number | M0025.0339/P339 |

ENCLOSURES (Check all that apply)

| | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input checked="" type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Combined Declaration and Power of Attorney Copy of Notice |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> Landscape Table on CD | |
| <input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application | <input type="checkbox"/> Remarks | |
| <input checked="" type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|-----------------------|----------|--------|
| Firm Name | DICKSTEIN SHAPIRO LLP | | |
| Signature | | | |
| Printed name | Stephen A. Soffen | | |
| Date | June 6, 2006 | Reg. No. | 31,063 |